



U.S. DEPARTMENT of STATE

Congo, Republic of*

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The Republic of Congo is ruled by a government in which most of the decision-making authority is vested directly in the President and his administration. Denis Sassou-Nguesso was elected President in 2002, and legislative elections were held in 2002 for the Senate and the National Assembly in all jurisdictions, except for parts of the Pool region where an insurgency was active. The President's Congolese Workers' Party won the May and June 2002 legislative elections and controlled 129 seats in the 137-seat National Assembly. Both the presidential and legislative elections were determined "not to contradict the will of the people" by independent monitors; however, there were some flaws and irregularities in the administration of these elections. Uncontrolled and unidentified armed elements remained active in the Pool region, despite an ongoing demobilization and reintegration program following the March 2003 Peace Accord between the Government and Pasteur Ntumi's Ninja rebels. The judiciary continued to be overburdened, underfunded, and subject to political influence, bribery, and corruption.

The security forces include the police, the Gendarmerie, and the armed forces; however, the functional distinction between these forces was not always clear. In practice, the overlapping of operations by the police, the Gendarmerie, and the armed forces were common. At times, the Government did not have full control over some members or units of the security forces. Some members of the security forces committed human rights abuses.

The economy remained in transition from a centrally directed economy to a mixed market-oriented economy. The population was estimated to be slightly less than 3 million, and approximately 70 percent lived in poverty. Economic growth was estimated at 1.3 percent in 2003.

The Government's human rights record remained poor; although there were some significant improvements, serious problems remained. At times, some elements of the security forces reportedly were responsible for beatings, physical abuse of detainees, rapes, arbitrary arrest and detention, looting, and solicitation of bribes and theft. Impunity and lack of transparency were still problems. Prison conditions were poor. Prolonged pretrial detention and lack of fair trials were problems. Security forces at times infringed on citizens' privacy rights. The Government at times limited freedom of the press. There were limits on freedom of movement in some areas of the Pool region because of uncontrolled and unidentified armed elements. Domestic violence and societal discrimination against women were problems. There were unconfirmed reports of trafficking. Discrimination on the basis of ethnic regions remained a problem, including employment discrimination against minority ethnic groups such as indigenous Pygmies. Child labor was a problem. Citizens sometimes resorted to vigilante justice and killed suspected criminals.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings by the Government or its agents, and, unlike in the previous year, there were few reports that government forces killed civilians in the Pool region; however, at least one person was beaten to death in police custody during the year. In September, an 18 year-old male died from injuries from a beating received while in custody for suspected theft.

No action was taken against members of the security forces responsible for civilian deaths in 2003.

There was no action taken against members of the security forces who reportedly summarily executed several soldiers in 2002.

There continued to be occasional deaths due to mob violence, as civilians took vigilante action against presumed criminals, or as individuals settled private disputes; however, police at times intervened to stop such action. For example, the press reported a man killed his wife out of jealousy, and another man killed his uncle for suspected sorcery.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

The daughter of a local nongovernmental organization (NGO) employee, who was reported missing in 2003, remained missing at year's end.

On June 21, the International Court of Justice (ICJ) gave the Government until year's end to provide more persuasive arguments in the 1999 case of 359 persons who were separated from their families by security forces upon returning to Brazzaville from the Democratic Republic of the Congo and who subsequently disappeared. During the year, government officials implicated in the alleged disappearances spoke out describing their view of the events, claiming that they were not involved and did not know what happened to those who disappeared. In September, members of the Government went to the ICJ to argue the case. In December, the ICJ extended the deadline for responses and replies from the concerned parties until 2005. Also in December, a French court determined that it had no legal standing to pursue the case.

c. Torture and other Cruel, Inhuman, and Degrading Treatment or Punishment

The Constitution prohibits such actions; however, in practice, security forces sometimes used beatings to coerce confessions or to punish detainees. During the year, there were reports that abuses continued in the jail system, and one person died while in custody (see Section 1.a.).

In June, security forces reportedly beat a landowner after he requested payment from a colonel for land the colonel was using to build a house.

Security forces beat persons who were on strike during the year (see Section 2.b.).

During the year, there were unconfirmed reports by NGOs that female detainees were raped and that elements of the security forces beat citizens.

Unlike in the previous year, there were no reports that security forces regularly harassed and extorted refugee returnees and residents in outlying areas.

In certain areas of the Pool, unidentified armed elements, some of whom could be uncontrolled government security forces or former Ninjas, continued to rob trains and harass civilians and international NGO workers. There were reports by NGOs and members of the private sector that unidentified armed elements also extorted bribes in the Pool Region. The Government investigated these attacks but was unable to determine who the perpetrators were.

There were no developments, nor were any likely, in the 2002 case of the soldiers responsible for robbing, beating, and, in some cases, raping of fleeing citizens in Brazzaville.

Unlike in the previous year, there were no reports that elements of Ntumi's Ninjas were engaged in extortion and harassment.

Prison conditions remained poor due to overcrowded facilities and scarcity of resources to provide food or health care to the inmates. Prisons functioned in Brazzaville, Pointe Noire, and, to a lesser degree, in the smaller, more remote towns of Owando, Ouessou, and Djambala. The Ministry of Justice continued to repair some prisons during the year; however, lack of funds hindered efforts to improve physical facilities and to provide food and medicine.

During the year, there continued to be reports that detainees held at police stations often were subjected to beatings, overcrowding, and extortion.

Women were incarcerated with men, and juveniles were held with adults. Pretrial detainees were detained with convicted prisoners.

Access to prisons and detention centers by domestic and international human rights groups continued to be granted. Local human rights groups, including the Congolese Observatory for Human Rights, the Association for the Human Rights of the Incarcerated, the National Counsel for the Promotion and Protection of the Rights of Detained Persons, and a Catholic Church organization visited prisons during the year. The International Committee of the Red Cross (ICRC) continued regular visits to prisons and detention centers throughout the country.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, elements of the security forces committed such acts. There were fewer reports of arbitrary arrest and detention than in previous years.

Police and the gendarmerie are responsible for maintaining domestic order. Although the Human Rights Commission was established for the public to report abuses, NGOs reported that there was still impunity for some elements of the security forces who committed abuses. Lack of transparency was still a problem. In late December 2003, the Government began a security and anti-crime campaign called Operation Hope to reduce the amount of insecurity, local drug trafficking, and crime in the country. The campaign was still in operation at year's end; however, there are no official reports on the effectiveness of the campaign. During the year, the ICRC provided resources for human rights training for police officers.

The Code of Penal Procedure requires that a person be apprehended openly, that a lawyer be present during initial questioning, that warrants be issued before arrests are made, and that detainees be brought before a judge within 3 days and either charged or released within 4 months; however, in practice, the Government often violated these legal provisions. Detainees generally were informed of the charges levied against them, and lawyers and family members usually were given access to them. There is a system of bail called a "caution"; however, more than 70 percent of the population has an income below poverty level and could not afford to pay bail. Prolonged pretrial detention due to judicial backlogs was a problem.

In January, a police sergeant was arrested without charge. In September, a landowner (who also was a university teacher) was arrested without charge while trying to collect back rent from a tenant. Both were still in detention without charge at year's end.

Security forces detained a journalist during the year (see Section 2.a.).

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary continued to be overburdened, underfunded, and subject to political influence, bribery, and corruption. Lack of resources continued to be a severe problem; almost nothing remained of judicial records, case decisions, and law books following the looting during the civil wars of the late 1990s.

The judicial system consists of traditional and local courts, courts of appeal, the High Court of Justice, the Supreme Court, and a Constitutional Court. Both the Constitutional Court and High Court of Justice were created under the 2002 Constitution. The Constitutional Court's function is to adjudicate the constitutionality of laws and judicial decisions; the High Court of Justice's function is to review judicial decisions as well as try the President and other high authorities for crimes in the conduct of their official duties. By year's end, the Constitutional Court was operational. Members of the High Court of Justice were appointed, but due to lack of funds the court was not yet functioning.

In general, defendants were tried in a public court of law presided over by a state-appointed magistrate. The defense has access to prosecution evidence and testimony and the right to counter it. In formal courts, defendants are presumed innocent and have the right of appeal; however, the legal caseload far exceeded the capacity of the judiciary to ensure fair and timely trials. Some cases have never reached the court system.

In rural areas, traditional courts continued to handle many local disputes, particularly property and probate cases, and domestic conflicts that could not be resolved within the family.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, in practice security forces at times illegally entered, searched, and looted private homes. During the year, military, gendarmerie, and police forces occasionally beat civilians and looted homes sometimes in revenge for complaints filed against them by the civilians (see Section 1.c.). In some areas of the Pool region, intimidation and harassment by uncontrolled and unidentified armed elements increased according to reports from some international NGOs, the private sector, and civilians (see Section 1.c.).

Citizens generally believed that the Government monitored private mail and telephone communications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, although the Constitution also criminalizes certain types of speech such as incitement to ethnic hatred, violence, or civil war; however, the Government at times limited these rights in practice; however, the Government did not restrict academic freedom.

There was no state-owned newspaper; however, there were several closely allied with the Government. There were 15 to 20 private newspapers that appeared weekly in Brazzaville, which were critical of the Government. Newspapers continued to publish on occasion open letters written by opponents of the Government who were in the country or lived abroad. The print

media did not circulate widely beyond Brazzaville and the commercial center of Pointe Noire; however, it reached approximately one-third of the population.

Most citizens obtained their news from the radio or television broadcast media, primarily government-controlled radio in nonurban areas. There was one privately owned radio station and one privately owned television station. There were two government-owned radio stations, Radio Congo and Radio Brazzaville and one government-owned television station, Tele Congo. There were several satellite television connections available, which permitted viewing of a range of news and entertainment programs. The news coverage and the editorial positions of the state-owned media reflected government priorities and views. A number of Brazzaville-based journalists represented international media, such as the British Broadcasting Corporation (BBC), Associated Press, Reuters, Agence France Presse, Voice of America (VOA), Canal France International (CFI), and TV5.

Government journalists were not independent and were expected to report positively on government activities. There was evidence that when government journalists deviated from this there were repercussions. For example, in August, a broadcaster at government-owned Radio-Congo presented some information about undeclared and unofficial leave taken by some government ministers. The broadcaster was subsequently moved to the Ministry of Education by the Minister of Communication and was no longer working for the radio station.

In September, a journalist at Government-owned Tele-Congo interviewed an opposition leader on his talk show, who was critical of the President's overall policies. The station management ordered the journalist to stay home until a decision was made concerning his tenure at Tele-Congo. No decision was made by year's end.

In November, the Ministry of Foreign affairs officially informed freelance international journalists, some of whom worked for services such as the BBC and Reuters and some who also held jobs with government-controlled media outlets such as Tele-Congo, that their accreditation could be revoked if stories reflecting adversely on the country's image were reported. In November, the Government asked the BBC to remove the local BBC correspondent from the country one of the few locally based journalists who was not linked to a national media service. The BBC complied and was in the process of reassigning the correspondent at year's end.

Also in November, a correspondent for Radio France International (RFI) arrived in Brazzaville to report on the 1999 disappearance of hundreds of persons (see Section 1.b.) and interviewed Pasteur Ntumi. During the visit, security forces detained and interrogated the RFI reporter during the evening, despite the intervention of the French Embassy. After the interrogation, she was detained at her hotel to prevent her from meeting a member of the opposition, and security forces subsequently escorted her back to her flight to France.

Security forces beat journalists who were on strike during the year (see Section 2.b.).

The Press Law allows for monetary penalties for defamation and incitement to violence but does not require prison terms for violators.

The Government did not restrict access to the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice; however, in July, journalists demonstrated over nonpayment of their wages in front of a public building in Brazzaville, and security forces forcibly dispersed them. Some of the demonstrators were injured. No payments were made to the journalists by year's end. Groups that wished to hold public assemblies were required to inform the Ministry of Territorial Administration, which could withhold authorization for meetings that threatened public order.

All groups or associations--political, social, or economic were generally required to register with the Ministry of Territorial Administration. Although registration could sometimes be subject to political influence, there was no evidence that this occurred during the year.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

All organizations, including religious organizations, are required to register with and be approved by the Government. There were no reports of discrimination against religious groups in this process, although all admit that it is time-consuming and lengthy. Penalties for failure to register involve fines and potential confiscation of goods, invalidation of contracts, and deportation for foreigners, but no criminal penalties are applicable.

For a more detailed discussion, see the [2004 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2004/41598.htm).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, in practice, the Government imposed some limitations. During January and February, military and police checkpoints, which at times interfered with the movement of civilians, were instituted as a result of the December 2003 attacks by uncontrolled Republican Guard government forces on Ninja elements in the BaCongo district of Brazzaville. International NGOs reported renewed harassment and intimidation by uncontrolled and unidentified armed elements in certain areas of the Pool region during the year, and one reduced its small expatriate staff (see Section 1.c.).

The Constitution prohibits forced exile; however, the Government prevented the return of some citizens.

NGOs working in the Pool Region reported that returning internally displaced persons (IDPs) still had not repopulated certain war torn areas at year's end. The Ministry of Social Affairs reported that all IDPs who wished to return to their villages had returned by year's end.

During the civil conflicts of the 1990s, tens of thousands of citizens fled into neighboring countries, particularly Gabon and the Democratic Republic of the Congo. According to office of the U.N. High Commissioner for Refugees (UNHCR), there were 283 returnees from the Democratic Republic of the Congo (DRC) and 344 returnees from Gabon during the year. Approximately 15,000 citizens fled to Gabon and, according to U.N. figures, 12,000 persons remained there because they did not wish to return and had integrated into Gabonese society.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees.

The country continued to host a small number of Burundians and approximately 3,000 mainly Rwandan Hutus, who remained within distinct Rwandan sectors and communities within villages or cities. At year's end, there was only 1 camp of less than 300 Rwandan Hutus, mostly women and children, located north of Brazzaville. The camp was not considered a refugee camp by UNHCR and has not received international assistance since the mid-1990s. During the year, UNHCR continued some assistance to Angolan refugees in Pointe Noire; however, most Angolan refugees either returned to Angola or were integrated into local communities. UNHCR estimates that there were approximately 1,800 Angolan refugees from Cabinda in the country at year's end.

The Government also provides temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in 2002 elections that independent observers determined did "not contradict the will of the people," despite obvious flaws like insufficient numbers of ballots at certain polling stations, confusion over their locations, and the boycott by some opposition members who claimed the elections were biased. In addition, the Constitution and the elections also were viewed by some international NGOs and foreign observers as designed to protect the status quo. The elections remained incomplete at year's end because of continued lack of security in some areas of the Pool, and 8 of the region's 12 National Assembly seats remained vacant at year's end.

The state remained highly centralized under the President; the President appointed key regional and local leaders. Sub national government entities lacked an independent revenue base and did not represent a significant check on central authority.

Major political parties included the ruling PCT, the Pan African Union for Social Democracy, the Congolese Movement for Democracy and Integrated Development, the Union for Democracy and the Republic, and the Rally for Democracy and Social Progress. Some opposition party leaders remained in exile while other party officials remained in the country. There was no cohesive opposition, and many of the smaller political parties were more personality-centered than they were representative of a significant constituency.

In March 2003, the Government and the Ninjas of Pasteur Ntumi signed a peace accord that called for a disarmament, demobilization, and reintegration (DDR) program; however, during the year, the full DDR program was replaced by a demobilization and reintegration (DR) program, funded by the European Union (EU) and administered by the U.N. Development Program (UNDP). By August, the DR program had progressed slowly, although not fully in place in some areas of the Pool because of unidentified armed elements that remained active.

There were press reports of government corruption particularly regarding the misuse of the country's revenues in the oil sector. To meet International Monetary Fund (IMF) requirements and obtain approval of a Poverty Reduction Growth Facility (PRGF), the Government had made some improvements in oil sector transparency by year's end. In December, the country was

approved for a PRGF program that requires further oil sector transparency, completion of several audits in both the oil and forestry sectors, and continued debt and arrears repayments in order to remain on the program.

There were 9 women in the 66 seat Senate and 12 women in the 137-seat National Assembly but only 129 seats were filled, as 8 seats from areas of the Pool remained unfilled. There were five female ministers in the 34 member Cabinet, including the Minister of Agriculture, Commerce, Primary and Secondary Education, Social Affairs, and Minister Delegate of Agriculture and Women's Issues. There was one female candidate in the 2002 presidential election who died in connection with a random robbery at her home during the year.

Pygmies continued to be excluded from employment opportunities, social programs and the political process, in part due to their isolation in remote forested areas of the country, their culture, and their stigmatization by the majority Bantu population. The Cabinet included four southerners; however, northerners, including many members of the President's northern Mbochi or related clans, held many key posts. Members of southern ethnic groups, who did not support the Government during the war, were permitted to return to their former government jobs.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were uncooperative and unresponsive to local human rights groups; however, government officials were generally cooperative and responsive to international organizations.

The ICRC maintained an office in Brazzaville. Access improved for international humanitarian officials during the year.

The Constitution provides for the establishment of an autonomous Human Rights Commission, which was established in August 2003. Its purpose is to act as a watchdog on the Government and react to public concerns on human rights issues. At year's end, it had not taken any action.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution specifically prohibits official discrimination; however, societal discrimination persisted, particularly against women and Pygmies. Ethnic and particularly regional differences continued.

Women

Domestic violence against women, including rape and beatings, was widespread but rarely reported. There were no specific provisions under the law for spousal battery, apart from general statutes prohibiting assault. Domestic violence usually was handled within the extended family, and only the more extreme incidents were brought to the attention of the police.

Rape, including spousal rape, is illegal; however, the Government did not effectively enforce the law. The Government began compiling nationwide data on violence against women in 2003; however, no figures were available by year's end. NGOs, such as the local Human Rights Center, the Center to Combat Violence Against Women Group, the International Rescue Committee, the ICRC, and Doctors Without Borders continued to draw attention to the issue and provided counseling and assistance to victims.

Female genital mutilation (FGM) was not practiced indigenously, but may have occurred in some of the immigrant communities from West African countries where it was more common.

Prostitution is illegal; however, the Government did not effectively enforce this prohibition.

The Constitution prohibits discrimination based on gender and stipulates that women have the right to equal pay for equal work; however, in practice women were underrepresented in the formal sector. Most women worked in the informal sector and thus had little or no access to employment benefits. Women in rural areas especially were disadvantaged in terms of education and wage employment and were confined largely to family farming, petty commerce, and childrearing responsibilities. Many local and international NGOs have developed micro-credit and micro-finance programs to address this problem, and government ministries such as Social Affairs and Agriculture were very active in addressing these problems. For example, women received assistance to set up dressmaking and beauty salons as well as gardening and manioc flour-making to provide an income for their families.

Marriage and family laws overtly discriminate against women. For example, adultery is illegal for women but not for men. Polygyny is legal; polyandry is not. While the Legal Code provides that 30 percent of the husband's estate is transferred to the wife, in practice, the wife often lost all rights of inheritance upon the death of her spouse, particularly in the context of traditional or common law marriage. The symbolic nature of the dowry set in the Family Code often was not respected, and men were forced to pay excessive bride prices to the woman's family. As a result, the right to divorce was circumscribed for some women because they lacked the financial means to reimburse the bride price to the husband and his family. This problem was more prevalent in rural areas than in urban centers.

Children

The Government was committed to protecting the rights and welfare of children. The Constitution provides children equal protection under the law. Education was compulsory and tuition free until the age of 16; however, families were required to pay for books, uniforms, school fees, etc. Girls and boys attended primary school in equal numbers; however, school attendance by girls declined precipitously at the high school and university levels. The adult literacy rate was unknown but was believed to be approximately 40 percent due to the widespread destruction of the educational system during the 1990s civil wars.

Teenage girls were often pressured to exchange sex for better grades, which resulted in both the spread of HIV/AIDS and unwanted and unplanned pregnancies.

FGM may be performed on girls in some West African immigrant communities (see Section 5, Women).

There were reports of isolated cases of child prostitution among the growing numbers of street children from the Democratic Republic of Congo (DRC); however, the prevalence of the problem still remained unclear. According to reports from international and local NGOs and others, the isolated cases were not linked to trafficking but used as an economic means by the street children to purchase food and other items. International organizations were assisting with programs to feed and shelter DRC street children.

There were a few unconfirmed reports that there was trafficking in children by West African immigrants to the country (see Section 5, Trafficking).

Child labor was a problem (see Section 6.d.).

During the year, the number of street children increased. UNICEF estimated that most of the street children in Brazzaville were from the DRC. Street children from the DRC also were found in Pointe Noire. Street children were not known to suffer from targeted abuse by government authorities or vigilante groups; however, they were vulnerable to sexual exploitation and often fell prey to criminal elements including drug smugglers. Many of the street children begged or sold cheap or stolen goods to support themselves; some may have turned to prostitution or petty theft.

Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there were unconfirmed reports of trafficking of children by West African immigrants living in the country. Trafficking could be prosecuted under existing laws against slavery, prostitution, rape, illegal immigration, forced labor, and employer employee relations. There was no evidence that the Government has prosecuted any trafficker under these laws.

There were unconfirmed reports that the Republic of Congo was a country of destination; however, it was not a country of transit or origin. There were unconfirmed reports that minor relatives of West African immigrants from Benin and Togo could be victims of trafficking. There was no evidence of trafficking in men or women. Outside of the unconfirmed reports of "minors relatives" of West African immigrants, there were no other reports of trafficking in children. Children from West Africa worked as fishermen, shop workers, street sellers, or domestic servants. There were reports some were physically abused. There were reports of isolated cases of child prostitution, which according to international and local NGOs and others were not linked to trafficking or forced labor. UNICEF and the International Rescue Committee had programs to assist with feeding and sheltering DRC street children. In addition, there was no evidence that any of these street children were from the Republic of Congo (see Section 5, Children).

There was no evidence of involvement of government officials in trafficking, although bribery and corruption were problems.

Persons with Disabilities

The Constitution prohibits discrimination based on physical condition; however, in practice, this prohibition generally was not enforced because the Ministry responsible for implementation of this provision lacked the necessary funds. There was no overt official or societal discrimination against persons with disabilities. There were no laws mandating access for persons with disabilities.

National/Racial/Ethnic Minorities

The Constitution prohibits discrimination based on ethnicity; however, the Government did not enforce this prohibition effectively, and, in practice, many citizens from southern regions believed that ethnic discrimination persisted. However, former civilian employees of the Government were encouraged to return to their former jobs even though they were from southern ethnic groups that opposed the Government during the civil wars and the disturbances that followed.

Regional ethnic discrimination was prevalent among all ethnic groups, was evident in government and private sector hiring and

buying patterns, and apparent in the effective north-south regional segregation of many urban neighborhoods. The relationship between ethnic, regional, and political cleavages was inexact; however, supporters of the Government included persons from mostly, but not solely, northern ethnic groups, such as the President's Mbochi group and related clans.

Indigenous People

The Constitution prohibits discrimination based on ethnicity; however, the indigenous Pygmy ethnic group, who numbered in the tens of thousands and lived primarily in forest regions, did not enjoy equal treatment in the predominantly Bantu society. Pygmies were severely marginalized in employment, health, and education, in part due to their isolation in remote forested areas of the country and different cultural norms. Pygmies usually were considered socially inferior and had little political voice; however, in recent years, several pygmy rights groups have developed programs and were actively focusing on these issues. Many of them were not aware of the concept of voting and had minimal ability to influence government decisions affecting their interests. In 2003, a national conference representing Pygmy groups was held in Brazzaville.

Bantus have exploited many Pygmies, possibly including children, as cheap labor; however, there was little information regarding the extent of the problems during the year. There were no reports of forced labor of Pygmies.

Section 6 Worker Rights

a. The Right of Association

The Constitution and Labor Code provide workers with the right to associate and form unions, and workers exercised this right in practice. Workers, except members of the security forces, which included police, gendarmerie, and armed forces, were free to join a union of their choice. Most workers in the formal wage sector were union members. Employers were prohibited from discriminating against employees who join unions. There were no reported firings for union activities; however, salaries were withheld from teachers who attempted to strike.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for collective bargaining, and this right was generally respected and practiced freely. However, collective bargaining was not widespread due to the severe economic conditions. The Government set industry specific minimum wage scales; however, unions usually were able to negotiate higher wages for their members.

The Constitution provides for the right to strike, subject to conditions established by law, and workers exercised this right. Unions were free to strike after filing a letter of intent with the Ministry of Labor, which began a process of non-binding arbitration under the auspices of a regional labor inspector from the Ministry. The letter of intent must include the strike date, at which time the strike legally may begin, even if arbitration is not complete. Employers have the right to fire workers if they do not give advance notice of a strike.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children; however such practices occurred (see Section 5). Bantus reportedly discriminated against Pygmies in employment; however, during the year, Pygmy organizations reported that there was no system of forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment

Under the Constitution, children under age 16 are not permitted to work; however, in practice, this law generally was not enforced, particularly in rural areas and in the informal sector in cities, and child labor was a problem. Children worked with their families on farms or in small businesses in the informal sector without government monitoring or supervision. The Ministry of Labor, which is responsible for enforcing child labor laws, concentrated its limited resources on the formal wage sector where its efforts generally were effective.

e. Acceptable Conditions of Work

The minimum wage, which was approximately \$100 (48,000 CFA francs) per month in the formal sector, did not provide a decent standard of living for a worker and family. High urban prices and dependent extended families obliged many workers, including teachers and health workers, to seek secondary employment beyond their principal employment, mainly in the informal sector.

Regulations provide for a standard workweek of 7 hours per day, 6 days a week with a 1-hour lunch break per day. There were

no legal limits on the number of hours that could be worked per week. The law stipulates that overtime must be paid for all work in excess of 40 hours per week; however, there is no legal prohibition against excessive compulsory overtime, which was decided in an agreement between employer and employee.

Although health and safety regulations require twice yearly visits by inspectors from the Ministry of Labor, in practice such visits occurred much less regularly. Unions generally were vigilant in calling attention to dangerous working conditions; however, the observance of safety standards often was lax. Workers have no specific right to remove themselves from dangerous working conditions without jeopardizing their continued employment.

*The U.S. Chancery in Brazzaville was destroyed in the 1997 civil war, and there is no American chancery or interim office space in the country. However, American diplomats are assigned to Kinshasa and travel by boat to Brazzaville on extended temporary duty status to cover the full range of bilateral issues.